

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ANIMAL LEGAL DEFENSE FUND,
Plaintiff-Appellant,

v.

U.S. FOOD & DRUG
ADMINISTRATION,
Defendant-Appellee.

No. 13-17131

D.C. No.
3:12-cv-04376-EDL

ORDER

Filed August 3, 2016

ORDER

THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.